

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

USAMA J. HAMAMA, et al.,

Petitioners,
vs.

Case No. 17-cv-11910
HON. MARK A. GOLDSMITH

REBECCA ADDUCCI, et al.,

Respondents.

ORDER REGARDING POTENTIAL LIFTING THE STAY OF THIS ACTION

The Court granted in part the Government's motion to stay (Dkt. 505) on January 3, 2019 due to the lapse in appropriations that had been funding the Department of Justice. It did so with the expressed intention that the stay remain in effect only for the reasonably immediate future, in the hope that appropriations would be restored shortly. Unfortunately, there is currently no indication that appropriations will be restored in the reasonably immediate future. Continuing the stay will impact the Court's docket by delaying proceedings that must proceed on a reasonably expeditious basis, given the age of the case, and the relative proximity to trial or other final resolution of this matter. The Court must treat the Government like any other litigant; a corporate defendant claiming inability to fund lawyers or other necessary participants in litigation due to an intra-corporate dispute about paying them would not receive an indefinite amount of time to resolve that dispute while its case remained stayed.

Notwithstanding the Court's stay order, the needs of this case have required the Government to take action twice in the last two weeks: first to file objections to the release of Petitioner Hani Al Bazoni (Dkt. 507) (raising concerns of danger to the community), and second to respond to concerns about returning Petitioner Muneer Subaihani's to the United States after he

was mistakenly deported to Iraq (who may now be subject to persecution based on his religious beliefs). It is the Court's understanding, based on communications from the Government, that each time a government attorney is required to take action in this matter he or she must seek a supervisor's approval to work. In this case, the Government's counsel must be able to respond quickly to emergency matters as they arise and be up to speed on how matters are proceeding (or not proceeding) within federal agencies, which will be impeded if a supervisor's permission must be sought every step of the way. Considering the stakes at issue in the case, the claimed danger to the community and to individual petitioners, the stay no longer seems appropriate.

Therefore, the Court gives notice that it contemplates terminating the stay. Any party may file a memorandum in response to this Order **on or before 12:00 p.m. on January 22, 2019.**

SO ORDERED.

Dated: January 15, 2019
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge